

**BYLAW NO. 2014-09
PARKLAND COUNTY**

**BEING A BYLAW TO PROVIDE FOR THE LICENSING AND REGULATION OF
BUSINESSES WITHIN PARKLAND COUNTY**

WHEREAS pursuant to the provisions contained in the Municipal Government Act of Alberta, as amended, Council may by Bylaw do all things with respect to the regulation of any business within Parkland County (hereinafter referred to as "the County"), including the licensing thereof; and

WHEREAS it is desirable and in the best interests of the County that a Bylaw be passed regulating and licensing businesses within the County;

NOW THEREFORE the Council of Parkland County duly assembled enacts as follows:

1) SHORT TITLE

This Bylaw may be cited as "The Business Licensing Bylaw".

2) DEFINITIONS

- a) "Act" means the Municipal Government Act of Alberta, as amended;
- b) "Applicant" means a person who applies for a License or a renewal of a License required by this Bylaw;
- c) "Business" means any business, occupation, activity, amusement, trade, employment, profession, industry or the provision of goods or services within Parkland County, and not excluded by a Provincial or Federal statute;
- d) "Charitable" or "Non-Profit Organization" means a person, association of persons, or a corporation, acting for charity or in the promotion of general social welfare which cannot at any time distribute any dividends or profit to its members and includes:
 - (i) A religious society or organization,
 - (ii) A service club,
 - (iii) A community, veterans or youth organization,
 - (iv) A social sport or fraternal organization or club,
 - (v) An employer or employee organization;
- e) "Committee" means a Council Committee of the whole established by Council;
- f) "Council" means the Council of Parkland County;
- g) "County" means Parkland County;
- h) "Landfilling Business" means any business which provides landfill facilities including dry-waste landfill, industrial, sanitary and modified sanitary landfill, and/or associated composting and/or contaminated soil remediation operations and includes a landfill facility in the Reclamation phase;
- i) "License" means a business License issued pursuant to this Bylaw;
- j) "Licensee" means a person holding a valid and subsisting License issued pursuant to the provisions of this Bylaw;

- k) "License Inspector" means the Chief Administrative Officer, or designate, of the County;
- l) "Non-resident Business" means any business that is not physically established within the corporate limits of the County but which carries on any business partly within and partly outside the County;
- m) "Person" means a natural person or a body corporate and includes a partnership, a group of persons acting in concert or an association unless the context explicitly or by necessary implication, otherwise requires;
- n) "Reclamation" means the use of inert waste or other materials imported to the site to reclaim a landfill site to a final elevation in accordance with an approval or other authorization issued by Alberta Environment and Sustainable Resource Development.
- o) "Resident Business" means a business that is physically established within the corporate limits of the County.

3) APPOINTMENT, POWERS AND DUTIES OF LICENSE INSPECTOR

- a) Council appoints the Chief Administrative Officer, or designate, as the Licensing Inspector for the County.
- b) The powers and duties of a License Inspector shall be as follows:
 - (i) To receive, approve, refuse, revoke, cancel or suspend Business Licenses and transfers thereof;
 - (ii) To keep a record of all applications for Licenses and transfers of Licenses;
 - (iii) To keep on file duplicate counterparts of all Licenses issued and particulars thereof;
 - (iv) To ascertain as far as reasonably practicable that all information furnished by an applicant in connection with an application for a License or transfer of License is true in substance and in fact;
 - (v) To ascertain that sureties signing any bond required by the terms of this Bylaw are solvent and responsible persons;
 - (vi) To prepare all bonds, Licenses or transfers of Licenses pursuant to the terms of this Bylaw and to issue all Licenses and transfers of Licenses under this Bylaw;
 - (vii) As often as necessary, to inspect all premises Licensed or required to be Licensed pursuant to the provisions of this Bylaw in order to ascertain that such premises comply with the terms of the License and this Bylaw;
 - (viii) To consult, prior to issuing or renewing a License, with the Province of Alberta, the RCMP, Regional Health Authority, and any County Department to determine whether they are in possession of information which, in the opinion of the License Inspector, renders it inappropriate for an Applicant to be issued a License.
 - (ix) To determine the accuracy of the information provided by the Licensee pursuant to paragraph 7 (b).
- c) Whenever requested to do so by Council to attend a meeting or meetings of Council or of any Committee or Committees of Council;
- d) At such time or times and in such form as Council shall deem necessary to report in writing to Council concerning:

- (i) The number of Licenses issued,
 - (ii) The number of Licenses transferred,
 - (iii) The amount of money received from all source(s) during the year and to the date of the report,
 - (iv) The number of Licenses refused,
 - (vi) The number of Licenses revoked, cancelled or suspended,
 - (vii) The number of prosecutions,
 - (viii) The number of premises inspected,
 - (ix) Other such information as Council may determine;
- e) To administer and enforce this Bylaw and, as far as practicable, see that all persons concerned conform to its provisions and to prosecute persons who fail to comply herewith;
- f) Such other powers, duties and responsibilities as may be provided for elsewhere in this Bylaw or by Council from time to time.

4) NECESSITY FOR LICENSE

- a) Except as provided for in Section 6 of this Bylaw, no person shall carry on or operate any business within the County unless that person is the holder of a valid and subsisting License issued pursuant to the provisions of this Bylaw.
- b) Any advertising of a business within the County shall be deemed to be prima facie proof of the fact that the person advertising is carrying on or operating any such business within the County.

5) RECLAMATION OF LANDFILLS

- a) Any landfill previously approved by Parkland County where Reclamation of the landfill site is undertaken and continues to import inert waste or other materials to the Landfill site, shall be considered to be a business for which a License is required.

6) EXEMPTION FROM LICENSING OR FEES

- a) No License shall be required:
- (i) For a business carried on or operated by the County, or owned by the County and operated on behalf of the County;
 - (ii) For any business carried on by Parkland School Division No. 70 or Evergreen Catholic Separate Regional Division No. 2, as it relates to the normal operation of their respective educational systems;
 - (iii) For a Non-Resident Business supplying bulk goods to a Resident Business, which holds a License and which, purchases the bulk goods for the purpose of resale;
 - (iv) For any person or business, notwithstanding any provision of this Bylaw, if such person or business is exempt from the requirements of Municipal licensing by any Statute of Canada or of the Province of Alberta.
- b) Notwithstanding any provision contained in this Bylaw to the contrary, no person carrying on the business of raising or producing crops, livestock or

poultry within the County shall be required to obtain a License under this Bylaw;

- c) Subsection 6(b) shall not apply to intensive agricultural uses (including market gardens, apiaries, tree nurseries, greenhouses) or to small animal breeding/boarding/training facilities; and dog breeding and/or boarding facilities that are required under the County's Land Use Bylaw to obtain a development permit.
- d) Where a charitable or Non-Profit Organization wishes to be exempted from the requirements of paying a License fee under this Bylaw, it shall apply in writing to the License Inspector for such exemption, and provide the License Inspector with:
 - (i) the name of the organization, the Articles, Memorandum of Incorporation, Bylaws and such other information as the License Inspector shall require to determine that the organization is a Charitable or Non-Profit Organization as defined by this Bylaw;
 - (ii) a description of the business which the organization wishes to carry on and the time and place where it is to be carried on; and
 - (iii) such other information as the License Inspector may require.
- e) The License Inspector may grant any fee exemption applied for pursuant to this section, provided that the Inspector is satisfied that the organization is in fact a charitable or Non- Profit Organization as defined in this Bylaw.

7) LICENSE FEE

- a) Except as provided for in Section 6 of this Bylaw, no person shall carry on or operate any business within the County, without first having paid the fee set out in Schedule "A" or the fee determined pursuant to Section 7(b) of this Bylaw. The License issued shall be null and void if the payment, therefore, was made by means of a cheque returned for insufficient funds or any other reason, or if the Licensee is in default in the payment of an amount determined pursuant to Section 7(b).
- b) In lieu of the fees provided for pursuant to Section 7(a), any business which involves the operation of a landfilling business including the Reclamation of a landfill shall pay a License fee as set out in Schedule "B" of this Bylaw. The date on which the License fee is paid shall, at the option of Council, be reflected in an agreement between the County and the Licensee. The information necessary to calculate the fee shall be provided to the County by the Licensee in the manner specified in the License or in any agreement between the County and the Licensee.

8) LICENSE APPLICATION

- a) Applications for a License, for renewal of a License, or for a transfer of License shall be made in writing on a form to be provided by the License Inspector and, unless otherwise provided, in person at the office of the License Inspector.
- b) An application for License for any business shall be made jointly by all the persons who will be actively engaged in the management and control of the business and by those persons only.

9) LICENSE SUBJECT TO LAND USE BYLAW

- a) An applicant, for a License or for the renewal of a License, shall obtain and produce such permits and approvals as may be required for the business under the Land Use Bylaw of the County.
- b) Notwithstanding subsection 9(a), a landfill in its Reclamation phase is not required to produce a valid development permit for a landfill if prior development permits provided for Reclamation following expiry of the Development Permit.

10) POWER OF REFUSAL, REVOCATION, CANCELLATION AND SUSPENSION

The License Inspector may refuse to issue or renew a License, may revoke, cancel or suspend a License and may impose any conditions on a License for the following reasons:

- a) The applicant or Licensee does not or not longer meet the requirements of this bylaw with respect to the License applied for or held;
- b) The applicant or Licensee or any of its officers or employees:
 - i) furnishes false information or misrepresents any fact or circumstance to a Peace Officer or the License Inspector;
 - ii) has, in the opinion of the License Inspector, based on reasonable grounds, contravened this Bylaw whether or not the contravention has been prosecuted;
 - iii) fails to pay a fine imposed by a court for a contravention of this Bylaw;
 - iv) fails to pay any fee required by this Bylaw; or
- c) The applicant has failed to comply with all relevant Municipal, Provincial and Federal Bylaws, regulations, statutes, orders and permits.
- d) In the opinion of the License Inspector the safety, health or welfare of the public may be at risk or based on reasonable grounds it is in the public interest to do so.

11) NOTICE OF REFUSAL, REVOCATION, CANCELLATION AND SUSPENSION

- a) Prior to refusing, revoking, cancelling or suspending a License, the License Inspector may:
 - (i) Make inquiries and receive information, including from the Applicant, to determine whether there are just and reasonable grounds for the refusal of the Application, a revocation, cancellation or a suspension of a License;
 - (ii) Suspend a License prior to completing inquiries, to determine whether there are just and reasonable grounds for the suspension, cancellation or revocation of a License, where, in the sole discretion of the License Inspector, it is in the public interest to do so or the safety, health or welfare of the public may be at risk if the License is not suspended immediately. In the case of such suspension, the inquiries by the License Inspector must be completed within ten days of the suspension.
- b) The License Inspector who refuses, revokes, cancels or suspends a License pursuant to any provisions contained in Subsection 10 shall notify the Licensee thereof,
 - (i) by the delivery of a notice to the Licensee at the address of the Licensee as shown on the License or application form, or

- (ii) by mailing a registered letter to the Licensee's place of business or residence as shown on the License or application form, and upon the delivery of such notice or three (3) business days after the mailing of such notice, the business permitted by the License shall not be carried on until such time as a new License is issued or the suspended License is reinstated.

12) APPEAL

- a) In every case where:
 - (i) An application for a License has been refused or
 - (ii) A License has been revoked, cancelled or suspended, the person seeking the License or the person whose License has been refused, revoked, cancelled or suspended may appeal to a Committee of Council.
- b) An appeal pursuant to this section shall be made by the applicant within thirty (30) days of the date of such refusal or the delivery or mailing of notice of such revocation, cancellation or suspension in the manner hereinbefore provided.
- c) All appeals shall be made in writing addressed to the License Inspector of the County and shall be dated as of the date received by the License Inspector and the Committee shall hear the appeal as soon as shall be reasonably possible.
- d) The Committee, after hearing the appellant and any other party allowed by the Committee to make a submission, may
 - (i) Direct a License to be issued or reinstated with or without conditions;
 - (ii) Uphold the refusal to grant a License;
 - (iii) Uphold the revocation, cancellation or suspension of a License on grounds, which appear just and reasonable.

13) POSTING OF LICENSE IN PREMISES

- a) Every License issued under this Bylaw shall be displayed by the Licensee in a prominent place in the Licensee's business premises and whenever required by a License Inspector, any assistant, any Peace Officer, or other duly authorized person, the Licensee shall produce the said License for inspection. Any persons or persons who fail to display or produce the said License shall be guilty of an offence and shall be liable for the penalties provided for in Section 16 of this Bylaw.

14) DURATION OF LICENSE

- a) Every License issued under the provisions of this Bylaw shall terminate at midnight on the 31st day of December of the year in which the said License was issued unless:
 - (i) The terms of this Bylaw otherwise expressly provide; or
 - (ii) The License provides otherwise; or
 - (iii) The License has been sooner cancelled, forfeited, suspended or revoked.
- b) Excluding the Tri-Municipal License as defined in Section 17, the fee payable for a License issued between the first day of January and the thirtieth day of June in any year shall be the License fee for the full year.

The fee for a License issued after the thirtieth day of June in any year shall be one-half of the License fees for the full year.

- c) Where a License is cancelled, forfeited, suspended or revoked, the Licensee shall not be entitled to a refund of the License fee or any part thereof.

15) TRANSFER OF LICENSE

- a) Unless otherwise provided herein, any subsisting License issued under this Bylaw may be transferred upon application to the License Inspector and payment of the transfer fee prescribed in Schedule "A" hereto, provided the applicant has the required qualifications and furnishes legal documentation to assign or transfer interests of the previous Licensee.

16) PENALTIES

- a) Any person who contravenes or fails to comply with any provision of this Bylaw shall be liable upon conviction thereof to a penalty as established pursuant to Schedule "C" of this Bylaw which may be amended and authorized at any time by resolution of Council.
- b) Where the offence is the non-payment of any License fee payable hereunder, then, in addition to any of the penalties set forth in Subsection 16(a), the Court may order payment of the said License fee in addition to any penalty and costs imposed pursuant to Subsection 16(a).
- c) A License Inspector or any Peace Officer, in lieu of proceeding with any punishment by way of prosecution for the contravention of this Bylaw as provided for in Subsection 16(a) may issue an offence ticket to any person alleged to have committed one or more breaches of this Bylaw. The offence ticket shall state the alleged offence and require the forfeiture and payment of the appropriate fine as provided for in Schedule "C" attached hereto.
- d) An offence ticket may be issued by personally serving it upon the alleged offender or by leaving it at the residence of the alleged offender or by sending it to the alleged offender by registered mail.

17) TRI - MUNICIPAL LICENSE

- a) For the purposes of this Section of this Bylaw only:
 - (i) "Tri-Municipal Business" shall mean any business
 - (1) Whose primary place of business or whose business is primarily conducted or carried on in the Tri-Municipal Area; and
 - (2) Which holds a subsisting Resident Business License in the municipality in which it is physically established.
 - (ii) "Tri-Municipal Area" shall mean the area within the corporate boundaries of the County, the City of Spruce Grove and the Town of Stony Plain;
 - (iii) "Tri-Municipal License" shall mean any License issued in accordance with this section of this Bylaw.
- b) Any Resident Business, upon payment of the fee set out in Schedule "A", may obtain a Tri-Municipal License.
- c) The holder of a valid and subsisting Tri-Municipal License, whether issued by the County or Spruce Grove or Stony Plain, and which does not carry on a Resident Business within the County, shall be entitled to carry on business within the County without obtaining a Non-Resident Business License from the County.

- d) Any business, which is not a Tri-Municipal Business, shall not be entitled to obtain a Tri-Municipal License.
- e) Notwithstanding Subsection 17(c), a Tri-Municipal License shall not entitle its holder to operate any business in the County, which is designated by Council by Bylaw as a "Special Service".

18) DATE OF COMMENCEMENT

- a) This Bylaw shall come into force and effect upon its final passing and signing, thereof.

19) BYLAWS REPEAL


- a) This Bylaw rescinds Bylaw No. 11-2010 and any amendments thereto.

READ A FIRST TIME this 25th day of **March, 2014**. A.D.

READ A SECOND TIME this 25th day of **March, 2014**. A.D.

READ A THIRD TIME AND FINAL TIME this 25th day of **March, 2014**. A.D.



Mayor

Manager, Legislative and Administrative Services

PARKLAND COUNTY

SCHEDULE "A"
BYLAW NO. 2014-09

BUSINESS LICENSE FEES

- 1) The annual fee for a Resident Business shall be the sum of FIFTY DOLLARS (\$50.00).
- 2) The annual fee for a Non-Resident Business shall be the sum of ONE HUNDRED DOLLARS (\$100.00).
- 3) The annual fee for a Tri-Municipal License shall be the sum of FIFTY DOLLARS (\$50.00). This fee shall be paid in addition to the annual fee for a Resident Business License.
- 4) Unless otherwise provided in this Bylaw, any subsisting Resident License issued pursuant to this Bylaw may be transferred upon application to the License Inspector and payment of the prescribed fee of TWENTY DOLLARS (\$20.00). The applicant shall also provide legal documentation transferring or assigning the rights and interests of the Licensee.

PARKLAND COUNTY

SCHEDULE "B"

BYLAW NO. 2014-09

LANDFILLING BUSINESS LICENSE FEES

1. The License fees for operation of landfill facilities are:

Effective April 1, 2014	The License fees for a landfill facility are to be calculated at 10% of the gross invoice revenue (prior to GST) from materials delivered to the landfill facility <u>including those delivered for Reclamation of the facility.</u>
Effective August 1, 2010	<div>The License fees for a landfill facility are to be calculated at 7% of the gross invoice revenue (prior to GST) from materials delivered to the landfill facility.</div> <div>RESCINDED</div>

PARKLAND COUNTY

SCHEDULE "C"
BYLAW NO. 2014-09

PENALTIES

- 1) A penalty of ONE HUNDRED DOLLARS (\$100.00) shall be levied against and paid by any person who commits a breach of any of the provisions of this Bylaw.
- 2) A penalty of TWO HUNDRED FIFTY DOLLARS (\$250.00) shall be levied against and paid by any person who commits for a second time a breach of the provisions of this Bylaw provided the offence is committed within twelve (12) months of the commission of the first offence.
- 3) A penalty of FIVE HUNDRED DOLLARS (\$500.00) shall be levied against and paid by any person who commits for a third time a breach of any of the provisions of this Bylaw provided the offence is committed within twelve (12) months of the commission of the first offence.